

Meeting of 2005-12-13 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
DECEMBER 13, 2005 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Traci Hushbeck, City Clerk

Mayor Purcell called the meeting to order at 6:15 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by the Father William Carlin, St. Andrews Episcopal Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two
 Janice Drewry, Ward Three
 Keith Jackson, Ward Four

Robert Shanklin, Ward Five
Jeffrey Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight
ABSENT: None

INTRODUCTION OF 2005-2006 STUDENT CIVIC COUNCIL

Leroy Giles, Youth Activities Coordinator from the Parks and Recreation Department, presented the 2005-2006 Student Civic Council. He stated the members are going to initiate a survey to identify student concerns. They will then report that survey back to the City Council.

Mayor Purcell stated about a year and a half ago the City Council approved the Student Civic Council to work with and be supported by the City of Lawton. It is made up of students from the high schools and Cameron. He encouraged members to contact the City Council if they ever have any input regarding student matters.

AUDIENCE PARTICIPATION: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETING OF NOVEMBER 8, 2005.

MOVED by Warren, SECOND by Shoemate, to approve the Minutes of November 8, 2005. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

Mayor Purcell requested that items #9 and #34 be stricken from the agenda.

CONSENT AGENDA: Mayor Purcell requested item #2 be considered separately. Patton requested item #14, Jackson requested item #19 and Shanklin requested items #17, #20 and #21 be considered separately.

MOVED by Patton, SECOND by Warren, to approve the Consent Agenda items as recommended with the exception of items 2, 14, 17, 19, 20 and 21. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Ronald Waln in the amount of \$443.05 and Pamela Montgomery in the amount of \$1,359.64. Exhibits: Legal Opinions/Recommendations. Resolution No. 05-___ and Resolution No. 05-___ are on file in City Clerk s Office.
2. Consider the following damage claims are recommended for denial: Walter & Brenda Baxter in the amount of \$290.00 and Shirley Crumpton & Ronnie Russell in the amount of \$115.00. Exhibits: Legal

Opinions/Recommendations.

Ronnie Russell, 3002 Liberty, stated he submitted a claim for \$115 for damage to his sprinkler system. His claim was denied due to the fact that the sprinkler system was said to be located on the city easement and that crews were not notified. He stated it is located three feet from the city easement and not only were the crews notified, but they helped him dig up the sprinkler system and find the two heads that were busted.

Vincent requested that this item be tabled so that staff can further investigate the claim.

MOVED by Shanklin, SECOND by Shoemate, to table claim of Shirley Crumpton and Ronnie Russell. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

Walter Baxter, 2902 Tomlinson Circle, stated his damage was done five feet from the easement. City staff told him to file the claim.

Vincent stated that just because city staff told Mr. Baxter to file a claim, this does not mean the city is admitting liability. He stated the Baxter's sprinkler system is in the street right of way which extends approximately eleven feet back from the curb. The damage was about five feet from the curb.

Vincent requested that this item be tabled so that staff can further investigate the claim.

MOVED by Shanklin, SECOND by Patton, to table claim of Walter and Brenda Baxter. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

3. Consider ratifying the action of the Lawton Water Authority approving advertising for bid to lease the City's oil and gas interests for the tracts of land listed below located in the vicinity of Lake Ellsworth in Comanche/Caddo Counties to the highest and best bidder.

Exhibits: Location map and Lease request letter dated November 30, 2005.

4. Consider canceling the individual outside water sales contracts for the listed property owners for tracts located in Quail Run Estates. Exhibits: None.

5. Consider canceling the following individual outside water sales contracts for service in areas surrounding the City that have been previously annexed into the city limits. Exhibits: None.

6. Consider ratifying the action of the City Attorney in filing an appeal in the workers compensation case of Kelly Blake, Workers Compensation Court Case No. 2004-07433A.

Exhibits: None.

7. Consider adopting a resolution ratifying the action of the City Attorney in approving the negotiated Form 14 settlement in the Workers' Compensation case of Larry D. Carr, and filing a foreign judgment in the District Court of Comanche County for purposes of placing said judgment on the tax rolls. Exhibits: Resolution No. 05-____.

8. Consider adopting a resolution ratifying the action of the City Attorney in approving the negotiated Form 14 settlement in the Workers' Compensation case of Jerry Lynn, and filing a foreign judgment in the District Court of Comanche County for purposes of placing said judgment on the tax rolls. Exhibits: Resolution No. 05-____.

9. Consider approving a resolution notifying the public of the publication of the Lawton City Code, 2005.

Exhibits: Resolution No. 05-____.

This item was stricken.

10. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and Neil West and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Legal Services is on file in the City Clerk's Office.

11. Consider approving the 2006 Notice of Meeting Schedule for Lawton City Council Meetings. Exhibits: 2006 Notice of Meeting Schedule for Lawton City Council and Resolution No. 05-____.

12. Consider granting a 50-foot Permanent Road and Utility Easement across City owned property at Lake Lawtonka and authorize the Mayor and City Clerk to execute the Easement upon the receipt of a survey and a legal description acceptable to City staff. Exhibits: Request letter with location map. Proposed Permanent Easement is on file in the City Clerk's office.

13. Consider approving the construction plans and specifications for water and sewer lines to serve Arvest Bank

at NE Flower Mounds Road and East Gore Boulevard. Exhibits: Location Map.

14. Consider denying requests for the installation of traffic control measures on 1700 block of NW Irwin Avenue, I Avenue at SW 24th Street, Santa Fe Avenue at NW 50th Street, SW 68th Street at Baywood Drive, and SW 68th Street at Anglewood Drive. Exhibits: Traffic Commission Minutes.

Patton stated he is concerned about the stop sign requests for 68th and Baywood Drive and 68th and Anglewood.

According to the commentary, 68th and Baywood is a four way intersection with yield signs. He is not sure that the yield signs are significant for even that low amount of traffic. The area at 68th and Anglewood is a T-intersection. He suggested granting the request for a stop sign at both locations.

Givens questioned what was the reason staff is recommending denial.

Patton stated that staff felt the signage was sufficient at both intersections.

Givens stated normally it is based on the number of accidents at that intersection.

Patton stated there was an officer at the Traffic Commission meeting who commented on accidents at the four-way stop area.

Shanklin suggested they table this item so that Mr. Patton can look at the intersections in question.

MOVED by Shanklin, SECOND by Patton, to table the issue of traffic control measures at SW 68th Street at Baywood Drive, and SW 68th Street at Anglewood Drive. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

MOVED by Shanklin, SECOND by Warren, to deny authorizing the installation of traffic control measures on 1700 block of NW Irwin Avenue, I Avenue at SW 24th Street and Santa Fe Avenue at NW 50th Street. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

15. Consider adopting a Resolution authorizing the installation of traffic control measures on 17th Street at West Gore Blvd., SW corner of SW 10th Street and B Avenue intersection, Cornell Avenue at SW 25th Street, and Bishop Avenue at SW 52nd Street. Exhibits: Traffic Commission Minutes and Resolution No. 05-____.

16. Consider adopting a street light resolution to authorize the removal of one (1) street light and installation of five (5) street lights as detailed below. Exhibits: Street Light Resolution No. 439.

17. Consider approving Change Order Number 1 and accepting the Squaw Creek Sanitary Sewer System Flow Monitoring Project 04-1 SSES performed by Interra Hydro, Inc. and placing the Maintenance Bond into effect. Exhibits: None.

Shanklin stated he pulled this item because why would we spend \$4,199 for a hand held velocity meter after a project is done. Why wasn't it included in the \$603,000.

Jerry Ihler, Public Works Director, stated the meter will calibrate the existing permanent flow meters. He stated they should have put it in the original bid, but staff did not.

Shoemate questioned why the project is not being referred to as Numu Creek.

Ihler stated Squaw Creek Sanitary Sewer System Flow Monitoring Project was the name of the project when it was bid in 2004. They needed to keep that name to ensure that they received funding from the Water Resources Board. The name of the creek has been changed.

MOVED by Shanklin, SECOND by Patton, to approve Change Order Number 1 in the amount of \$4,199.80 for a total contract amount of \$569,199.80, and accept the Squaw Creek Sanitary Sewer System Flow Monitoring Project 04-1 SSES, placing the Maintenance Bond into effect. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

18. Consider acknowledging receipt of permits for the construction of sanitary sewer lines from the Oklahoma State Department of Environmental Quality to serve the SW Arlington Avenue Project, City of Lawton, Comanche County, Oklahoma. Exhibits: None.

20. Consider approving a recommendation to officially re-name F Avenue from 27th Street to 38th Street to Dr.

Elsie Hamm Drive. Exhibits: Letter from Center for Creative Living and Background.

Shanklin stated he does support this but felt it needed a little recognition other than the consent agenda. He stated that Dr. Hamm was a tremendous lady and doctor. He questioned when the street was dedicated to the City and when was it accepted.

MOVED by Shanklin, SECOND by Drewry, to approve recommendation to officially re-name a portion of F Avenue from 27th Street to 38th Street to Dr. Elsie Hamm Drive. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

21. Consider awarding (CL06-009) Rental Equipment to C.L. Boyd Co., Inc., of Oklahoma City, OK (Items 1 & 3; Motor Grader Items 1 & 2); Warren Power & Machinery LP of Oklahoma City, OK (Item 7). Exhibits: Abstract of bids and department recommendation.

Shanklin stated he had tried to get staff to consider this type of purchase for years and he is glad to see it come about. There are some pieces of equipment that we pay \$300,000 - \$400,000 on maintenance each year. He is proud that we are doing it this way.

MOVED by Shanklin, SECOND by Patton, to Consider awarding (CL06-009) Rental Equipment to C.L. Boyd Co., Inc., of Oklahoma City, OK (Items 1 & 3; Motor Grader Items 1 & 2); Warren Power & Machinery LP of Oklahoma City, OK (Item 7). AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

19. Consider approving a recommendation from the City Planning Commission to vary Section 18-5-7-573, the twenty-five foot front yard setback requirement on a tract located in a P-F (Public Facilities) District, owned by the Lawton Public Schools, Independent District 8 and addressed as 5202 West Gore. Exhibits: Letter of request and site plan of proposed building.

Jackson stated he has been asked by some constituents if there was any consideration given to putting the building on the west side of the Eisenhower wing.

Richard Rogalski, Planning Director, stated staff had extensive discussion with the architect on this project. He was told that there was no place else for this to go. The city does not know what the plans are for that intersection, so staff pressed as much as they could, but were told by Lawton Public Schools that this is where it has to go. He stated they had it moved back as far as it could go towards the existing building, and they felt that they could address the safety concerns with a 36 wall.

Jackson stated he knows that we are going to reconstruct that intersection and spend a lot of money and will encroach on that right of way. He would much rather disrupt their parking lot than that intersection.

Warren stated that currently they do not have enough parking and students are out of room. He does agree that they need to keep as much room possible in that intersection. He does not know why they could not utilize the courtyard.

Rogalski stated that LPS stated it had to do with continuity and flow. They do have another building planned for that middle space.

Mayor Purcell stated that Mr. Wade, attorney for Lawton Public Schools, has been held up in a school board meeting and should be arriving a little later. He suggested the Council delay any action on this item until Mr. Wade arrives.

Jackson stated this is not a grave enough issue to kill the project, but he would like some questions answered.

City Council members had no objection to waiting for Mr. Wade to arrive.

22. Consider awarding (CL06-022) Biomonitoring Testing to Bio-Aquatic Testing, Inc., of Carrollton Texas. Exhibits: Abstract of bids and department recommendation.

23. Consider approving appointments to boards and commissions. Exhibits: None

24. Consider approval of payroll for the periods of November 7 20, 2005. Exhibits: None.

BUSINESS ITEMS:

32. Consider awarding a contract to Government e-Management Solutions (GEMS) for software, training and ten years of support and maintenance services. Exhibits: List of RFP s received with 5 and 10-year cost and CNS Letter.

Rick Endicott, Finance Director, stated in August 2004 the 2005 CIP was approved and \$3 million was set aside to purchase upgrade software/hardware for the City of Lawton. Early in 2005 a committee was formed to develop an RFP to send out to various companies that are in this business. He stated the Assistant MIS Supervisor was critical in that process. Cindy Price helped develop the majority of that RFP. RFP s were received on June 20, 2005. He stated the original RFP requested a five year cost. The RFP s ranged from \$900,000 to \$2.8 million for that five year cost. The committee looked at each RFP and came up with a short list of three companies. The short list consisted of Government e-Management Solution (GEMS), New World Systems and Tyler Technologies Eden Division. Those companies were asked to come to the City of Lawton and give committee members a demonstration of their software. On September 13th the City Council awarded a contract with Comport Services, an independent consultant to assist with this process. They also assisted with some financial and technical work. Endicott stated that he and Kevin Hall, MIS Supervisor, visited the headquarters of the three companies to look at their technology structure and personnel. After that visit, the committee narrowed the selection down to two companies, New World and GEMS. The committee began negotiating prices with each company. He asked each company to submit a ten year cost if the city would guarantee them payment up front of the maintenance cost for those ten years. As a result of those negotiations, GEMS will save the city about \$500,000 - \$600,000 in comparison with New World. He also believes that the City will save about \$20,000 a year in years six through ten on GEMS standard maintenance cost. He introduced representatives from GEMS. He believes that GEMS is a company that they can have a longstanding relationship. They are going from a system that was built in house that has worked well for twenty years, but it is not going to work for the future. The contract is \$1.4 million and the process will take about 18 months. This cost will include some travel costs and implementation costs and he does not want to presume to hide anything from the City Council. About \$219,000 of the costs are variable costs. They do not know the exact cost of the implementation costs until they get into the process. He would like the City Council to approve that if this goes over 10% of the \$219,000, he will bring that amount back to the Council prior to that service being rendered.

Shanklin questioned if they had \$1.5 million carry over.

Endicott stated that this is just for the software and there will be another \$400,000 - \$500,000 when they get into purchasing the hardware. There is a lot more to this than just the software. They cannot get the whole package at once. He stated this may be in three or four phases as they go along.

Shanklin questioned if anyone was going to be shorted with the needs of their operation.

Endicott stated that initially it will make staff work harder, but once the system is totally implemented and staff is trained properly, there is going to be some disgruntled people. This is a hard process and they are looking at an 18 month schedule to implement all the software.

Shanklin stated the bottom line is that they will spend the \$3 million before this is all over with.

Endicott stated he cannot say. There is \$3 million set aside to improve the infrastructure of the City s software, hardware and the wireless issue.

Patton questioned that this was strictly software.

Endicott stated yes.

Warren questioned if, as an example, Neighborhood Services will be able to access information from the Police Department and create a report that will include code enforcement information as well as police dispatch. Will the work load be cut down for this type of task.

Endicott stated no, because police and fire are on the ISIS system and nothing can be done until they are able to integrate with that system. This will integrate all departments except police and fire.

Mayor Purcell stated that when they visited NLC, they looked at a company that integrates the police and fire. They will not be there for a while, but there is that capability.

Warren stated he wanted to make sure they could get there at some point.

Endicott stated this is only step one, a very initial step in this process. As they go along, this will take on a life of its own and will grow. They tried their best to negotiate the best contract so that additional money is still there to bring us to where we should be technology wise.

Warren stated staff did a good job working together to make sure this is the right choice.

Mayor Purcell stated that the City Council will have better access to data once this is in place.

Endicott thanked the City Attorney for his assistance with the contract.

Jackson stated the integration of the police and fire is very important and he feels that it may need to happen a little quicker.

Endicott stated it is very important and is part of this whole process. He believes that GEMS will be able to get them there. He wants to make sure that everything is integrated with police, fire, courts and all departments.

Mitchell stated once the City Council approves the contract, staff will develop a transition schedule. They will start looking at general ledger and utilities.

Endicott stated Kevin Hall will become the project manager to develop with GEMS an overall plan of attack. Finance and general ledger will be the first to go on line.

Hall stated in the end of January they will have a kick off meeting with GEMS and ask that the departments and divisions that will be affected will need to lay out their vacation schedules six month in advance. They will come up with an 18 month plan and create milestones. He stated that they will be able to integrate the fire, police and municipal courts databases to pull together reports and maps.

Warren questioned if that would be available to citizens on the net.

Hall stated that GEMS is completely web based and they will be able to access from their homes.

Warren stated this will give citizens the ability to touch government from their homes.

Haywood questioned what the company would give back to the community.

The representative from GEMS stated they do support those communities where they provide services.

MOVED by Drewry, SECOND by Warren, to award a contract to Government e-Management Solutions (GEMS) for software, training and ten years of support and maintenance services. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

Mayor Purcell stated that Mr. Chuck Wade, representing Lawton Public Schools, is in the audience. He requested the Council return to item #19 for further discussion.

Jackson stated Lawton Public Schools owns all the property to the west of the building and he does not understand why it was not considered rather than next to the right of way where the city will eventually reconstruct that intersection.

Mr. Wade stated the architect told him there was no place on the footprint that they could locate that large of an addition other than that particular site.

Jackson questioned if the west side was not considered just because it would have interrupted the parking lot. He will support the school system, but if a business or industry would ask this same question, they would not get the right to do this. He believes that the school system has room to put this building on the west side in this parking lot rather than encroaching on the city right of way.

Mr. Wade stated he posed this question to the architect when they first learned they would need to apply for a variance. He was told they had to look at how the new addition would be integrated into the other classrooms. He was told this was the only location they could build that large of an addition. By moving an additional ten feet further west, they will still be at least eleven feet away when the city adds an additional lane at 52nd Street. At that point they will put up some type of retaining wall.

Jackson stated he wants everyone to know that not all things are equal in the city of Lawton. Any business would not be allowed to do this.

Mr. Wade stated he does not know how it got to the point that it has, the architect has been working with building development and staff has had these plans for some time. He does not know why this was not pointed out sooner. They have a building that has been designed for this location and the contract has already been let to construct the addition. They would have to go back and start redrawing plans which would put the project a year behind. He does understand the point being made by Mr. Jackson.

Jackson stated he would go ahead and make this motion, but he requested that someone get him a report as to why they decided not to choose the west side.

Mr. Wade stated he would get a written explanation and provide a copy to each member of the City Council.

Shoemate questioned if they are designing buildings now to prevent water leaks and large cracks.

Mr. Wade stated they have not had many problems at the high school. They have had a lot of problems at the junior high. He shares his concerns, but hopes that they have learned from trial and error.

MOVED by Jackson, SECOND by Warren, to approve a recommendation from the City Planning Commission to vary Section 18-5-7-573 to allow the construction of the building eleven feet one inch from the right-of-way line of SW 52nd Street subject to the installation of a thirty-six inch barrier wall four feet back of the right-of-way line of SW 52nd Street because it is in the public interest. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

Mayor Purcell stated the Mr. Shanklin has requested item #30 be considered next.

30. Hold a public hearing and consider an ordinance changing the zoning from R-4 (High Density Apartment District) to I-3 (Light Industrial District) zoning classification located at 2105 and 2107 SW F Avenue. Exhibits: Ordinance No. 05-___, Location Map, Application, Draft CPC Minutes and Information Related to Material Safety Data Sheet.

Rogalski stated the request is to rezone Lots 13 and 14, Block 20, Radio City Addition from R-4 to I-3. The applicant is Lawton Transit Mix. The zoning of the surrounding area is R-4 and C-1 (Local Commercial District) to the north, I-3 to the south, east and west. The land use of the surrounding area is single-family residential and Sherri's Dance Center to the north, Lawton Transit Mix and automotive repair shop to the south, Lawton Transit Mix to the east and west. The current use of the requested area is gravel and sand storage yard. Lawton Transit Mix owns Lots 9 - 16 in Block 20, Radio City Addition. The proposed use is a new concrete batch plant to be located on Lots 11, 12, and 13. The applicant has stated another batch plant is needed to keep up with increased business due to additional housing being constructed on Fort Sill.

On November 10, 2005 the City Planning Commission held a public hearing on this request. During the public hearing five persons spoke against the request and two persons spoke in favor of the rezoning. The Commission, by a vote of 7 - 0, recommended approval of the rezoning. The Commission also approved a Use Permitted on Review for the operation of the batch plant subject to conditions.

PUBLIC HEARING OPENED.

Bill Hutchins stated he has lived in the area for sixty-seven years. There are four city blocks of trailer park just north of this expansion. At least fifty homes are disturbed by the noise and dirt, day and night. He stated the trucks come and go. Last week they had been circling the block going by a day care center. Originally this business was one city block and moved to a little over three blocks on the south side. Now they want to put another batch plant and he is very much against it.

Steve Rohde, Vice President and Regional Manager of Lawton Transit Mix, stated they have been in business at this location for over sixty years. They wanted to rezone the property in 1998 but they had two rental properties on these lots and did not want to evict their tenant. When the tenant passed away, they cleared those lots. He stated they have been asked by contractors and the Corp of Engineers to increase the rate of their production to keep up with the building at Fort Sill and in Lawton. A use permitted on review was approved by the City Planning Commission with some conditions that are being met at this time.

Shoemate questioned if they are doing anything to keep the dust down. He takes that road three or more times a week and every time his car is dirty from dust.

Mr. Rohde stated the new plant they purchased has a state of the art dust collection system that drops a shroud around the truck and sucks up the dust and recycles it. They purchased a street sweeper which will arrive next week. They sweeper also vacuums the dirt and dust off the street. All their lots will be concrete and they keep the street and their yard watered. They are doing everything they have been asked to do by the DEQ and their neighbors. They want to be good neighbors and good citizens. They have met with the neighbors.

Lewis Dandridge, 121 SW 75th, stated he owns property in that area. He stated the new plant will be about 75 feet from a multi-family unit. He would like to see a timeline and also see what exactly is scheduled to be done.

Vincent stated the applicant has eight or nine conditions that he has to comply with prior to him being able to operate the new batch plant. He will have to go through the building permit process, build screening, put in an oil and chip parking lot and meet other requirements before he can begin operation.

Mr. Dandridge questioned if those conditions will be made available to look at.

Mayor Purcell stated he will get him a copy of the CPC minutes.

Sherri Conwell, owner of Sherri's Dance Studio, 2112 SW E Avenue, stated she spoke with city staff about air quality control policies. She was told by staff that the City of Lawton adapts the DEQ policies. She stated there is a policy that states No person shall cause or allow any discharge of any visible or fugitive dust. The dust is a big issue. She stated that Mr. Rohdes attended a neighborhood meeting and talked about the plans of the company. They spoke about how Lawton Transit Mix has never received any phone calls from the neighbors, but Mattie Boyles refused to take any phone calls or call anyone back. She is no longer the owner of the company. She stated the neighbors have called DEQ and they did ask that some water be put on the dust and some barrier piles be placed. She stated this request was made in 2003 and the barrier piles have just gone up in the last six months. If the City of Lawton is adapting the rules and regulations of the DEQ, then they need to be responsible and tell this company to stop dusting this community. She distributed a petition signed by 232 people protesting the new batch plant. She stated she realizes that this was a problem when she built her studio, but did not realize that the problem would be this bad.

Shanklin stated he appeared with Ms. Conwell at the City Planning Commission when she requested a rezoning for her dance studio. He stated he interceded on her behalf to get a water line and a fire hydrant installed at the City's expense. He asked her at that time why she wanted to put her business in that area. He was told that it was the cheapest place she could get her business established. He stated she knew that Lawton Transit Mix was directly behind her.

Ms. Conwell stated there is a day care center and a fourplex in that area and the City of Lawton did not have adequate water pressure for those residents. She just came along and brought it up. She stated she did appreciate everything Mr. Shanklin has done for her.

Shanklin stated that Lawton Transit Mix will have to comply with more restrictions and it will be better than it ever has been.

Drewry questioned how long the day care center has been in operation.

Daniele Esquer, owner and operator of Kae Dee Child Care Center at 2206 SW E Avenue, stated they are directly south of Lawton Transit Mix. She stated they have been in business for 33 years in August. There are days when they have to run the children inside because the dust is flying. She believes that they all can co-exist, but who is going to assure them that the things Lawton Transit Mix is promising will happen. She stated they work and live in that environment and she does not see much interest in what the people in that neighborhood have to go through. She questioned what will happen to her property values when they become surrounded by a dirt plant.

Vincent stated the eight conditions that are part of the Use Permitted on Review will be enforced by the City of Lawton through the Community Services Department as part of the permitting process and the review process.

He stated the enforcement agency for air quality for Lawton is the Oklahoma Department of Environmental Quality, it is not the City of Lawton. We recognize their rules, but they are the local enforcement agency and they do have a local office.

Ms. Esquer stated that Mr. Rohde is very receptive to their ideas and they had a good meeting. When Ms. Boyles was with the company, they would call but got no response. They are trying to keep those doors of communication open, but they also want to know who is there to make sure those conditions are met.

Warren stated this does not address any agreement between the parties, but they won't be able to operate that plant until those conditions are met.

Ms. Esquer stated that just because they are not in the best part of town, it does not mean that they do not deserve equal treatment.

Linda Brown, Lawton Transit Mix, stated that they know there are areas for improvement. Each time the DEQ would contact them they would tell them what a great job they are doing and they are a model plant. She stated that Ms. Boyles left in 1996. They have voluntarily taken steps to do things they haven't even been asked to do because the neighbors have a right to co-exist.

Mr. Hutchins stated there are over fifty families in the area and they are permanent residents. Everything they own is dusty and they are awakened by trucks early in the morning.

PUBLIC HEARING CLOSED.

Jackson stated he has received a lot of calls regarding this request. He is the one who included the material safety data sheet from a bag of cement. He hopes the City Council understands what danger dust particles can cause.

He stated this is important to know before they vote. He does drive that street 4-10 times a day and there would have been no attempt to solve this dust problem if this rezoning application would not have come up. It is a concern of the residents who work and live in that area. He does realize that these plants are a part of our culture and believes there are methods to help control this problem. He hopes that these eight conditions can help control this problem.

Warren stated there are positives and negatives on both sides. He stated this one is in a worse position than the plant on 38th Street. If they do vote to allow this, they must have some kind of way to go back and repair that street. The plant uses F Street as part of their ongoing daily operation. He would hope that the City Council would require that they have the same care of the road as what they put on the plant on 38th Street.

Patton questioned if the plant on 38th Street was temporary or permanent.

Warren stated it is permanent.

Jackson stated that he believes this item will pass and the only salvation that residents may have is if this does pass, the company will be forced to start addressing the dust problem. If the rezoning does not pass, they do not have to address the problem.

Warren stated that the CPC minutes got his attention when it stated that they could not place the plant at Fort Sill because Fort Sill will not let them. That is something they need to think about.

Mayor Purcell stated there are other reasons why that can't happen. The item they are voting on is just the rezoning.

Drewry stated with the conditions stated, the situation will end up being better than it currently is.

MOVED by Shanklin, SECOND by Haywood, to adopt **Ordinance No. 05-95**, waive the reading of the ordinance and read the title only. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-95

An ordinance changing the zoning classification from the existing classification of R-4 (High Density Apartment District) to I-3 (Light Industrial District) zoning classification on the tract of land located at 2105 and 2107 SW F Avenue which is more particularly described in Section One (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

25. Hold public hearings and adopt resolutions declaring the structure(s) at: 7 N.W. Dearborn Avenue, 108 N.W. Dearborn Avenue, 2316 S.W. Jefferson Avenue, 1810 S.W. McKinley Avenue, 1812 S.W. McKinley Avenue, 929 S.W. 29th Street and 1812 S.W. E Avenue to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Resolutions No 05-____; No 05-____; No 05-____; No 05-____; No 05-____; No 05-____; No 05-____; Summary documents with supporting photos. Reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Shanklin stated he is disappointed in the language under key issues. There are more things involved than public health, safety and the blighting. He stated once they put a property on D&D it is not habitable. To get it back to code someone has to inspect it. They can't do it from the middle of the street or the alley. They will either bring it to code, or don't bring it to the City Council.

Vincent stated they must bring it to code or tear it down.

Shanklin stated that means it gets inspected inside and out. He stated they all need to get back on the same page.

7 NW Dearborn: Tony Griffith, Neighborhood Services Supervisor, presented photographs of the property. He stated the structure is vacant. The accessory structures including the garages are not structurally sound. The exterior surfaces lack protective treatment from the elements. Exterior walls have holes. There have been no utilities since October 1999. It presents a health and safety risk to the community.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Shoemate, to approve **Resolution No. 05-200** and declare the structure at 7 NW Dearborn to be dilapidated and a public nuisance. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood,

Warren. NAY: None. MOTION CARRIED.

108 NW Dearborn: Griffith presented photographs of the property. He stated the structure was unsecured upon inspection. The structure is vacant. The exterior walls have holes and breaks. The door is in poor condition. There have been no utilities since December 1997. It presents a health and safety risk to the community.

Haywood stated that he believes the property owners name is spelled incorrectly.

Vincent stated they will check the deed to the property before they go final on the resolution.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Givens, to approve **Resolution No. 05-201** and declare the structure at 108 NW Dearborn to be dilapidated and a public nuisance. AYE: Givens, Drewry, Jackson, Shanklin, Haywood, Warren, Shoemate. NAY: None. ABSENT: Patton. MOTION CARRIED.

2316 SW Jefferson: Griffith presented photographs of the property. He stated the structure is vacant and unsecured. The exterior walls have holes and rotting material. The door is in poor condition. He has had several calls from members of the community reporting vagrants in the home. There have been no utilities since July 2001. It presents a health and safety risk to the community.

PUBLIC HEARING OPENED.

Trisha Jackson, owner of the property, stated she has owned the property since 1969. She hired workers in the early 1990 s to do some work on the house, but they did not do the work as she requested. She stated they took the roof off at one time, and walls were falling in and it ruined everything she had. She did not have the income to repair or replace the damage. She has not been able to find any financial assistance. She assured the Council that there has been no one living in the house at night. She has done a lot to try to keep the house in tact.

Mayor Purcell questioned what Ms. Jackson was asking the City Council to do.

Ms. Jackson stated she is asking that the City not condemn the property. She has taken a step with the City of Lawton housing division to see if there are any programs that can assistance her with tearing down the structure.

Haywood stated that he has spoken to Ms. Jackson and she understands what they will be doing tonight.

Jackson questioned if she would not qualify for rental rehab or owner rehab.

Ms. Jackson stated they have said that the foundation is not secure. She has heard one excuse after another.

Haywood stated it also floods at that particular corner. The water could be the reason she is having trouble finding some help.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Shoemate, to approve **Resolution No. 05-202** and declare the structure at 2316 SW Jefferson to be dilapidated and a public nuisance. AYE: Drewry, Jackson, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. ABSENT: Shanklin. MOTION CARRIED.

1810 SW McKinley: Griffith presented photographs of the property. The exterior has rotting material. The roof and gutters are in disrepair. There have been no utilities since May 2000. The structure is vacant. It presents a health and safety risk to the community.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Drewry, to approve **Resolution No. 05-203** and declare the structure at 1810 SW McKinley to be dilapidated and a public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. ABSENT: Jackson. MOTION CARRIED.

1812 SW McKinley: Griffith presented photographs of the property. He stated the structure is vacant. There have been no utilities since April 2001. It presents a health and safety risk to the community.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Shoemate, to approve **Resolution No. 05-204** and declare the structure at 1812 SW McKinley to be dilapidated and a public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. ABSENT: Jackson. MOTION CARRIED.

929 SW 29th: Griffith presented photographs of the property. He stated the structure has been damaged by fire. The roof and gutters are in disrepair. This structure is vacant. It presents a health and safety risk to the community.

PUBLIC HEARING OPENED.

Joe Porter, 2715 Marian, stated he has owned the house for 50 years. He stated the structure caught fire approximately four months ago. He has someone who would like to buy the property.

The potential buyer stated that he has remodeled two previous homes and requested the City Council take the property off the D&D list. He has had an inspector look at the structure and the fire damage is minimal. He will purchase the home to rehab and sell beginning in February.

Drewry questioned if the owner could sell the house if it is on the D&D list.

Shanklin stated they can even work on the house if it is on the list.

Vincent stated that recently the City Council has released property off the D&D list under certain conditions. The buyer may purchase the home from Mr. Porter and go forward. If a mortgage company is involved there are other issues.

The potential buyer stated he would be paying cash for the property.

Vincent stated if there is no permit pulled in thirty days, the property will go to District Court.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Shoemate, to approve **Resolution No. 05-205** and declare the structure at 929 SW 29th to be dilapidated and a public nuisance. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

1812 SW E: Griffith presented photographs of the property. There have been no utilities since December 2003. The property is fire damaged. It presents a health and safety risk to the community.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Haywood, to approve **Resolution No. 05-206** and declare the structure at 1812 SW E to be dilapidated and a public nuisance. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

29. Hold a public hearing and consider an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to I-3 (Light Industrial District) zoning classification located at 2025 SW Jefferson Avenue. Exhibits: Ordinance No. 05-___, Location Map, Application and Draft CPC Minutes.

Rogalski stated this request includes Lots 17, 18, and 19, Block 13, Lawton View Addition, which measure 75' x 150', located at the northeast corner of SW 21st Street and Jefferson Avenue. The application was signed by C. E. Wade, Jr., attorney for the Thomas Adams Trust.

The zoning of the surrounding area is I-1 to the north and west and R-1 to the south and east. The land use of the surrounding area is automotive repair to the north, vacant to the south, single-family residential to the east, and moving and storage company to the west. The 2025 Land Use Plan designates this area as Industrial. The requested area is currently vacant. There are several lots in the blocks between Sheridan Road and SW 21st Street from Lee to Monroe associated with moving and storage businesses.

The City Planning Commission held public hearings on this request on October 13, October 27, and November 10, 2005. At the November 10 meeting Mr. Wade advised that the prospective buyer of the lots did not want to meet the City's requirements to expand his business on these lots. Mr. Wade asked the Commission to consider rezoning the lots to I-1 (Restricted Manufacturing and Warehouse District) which would be in conformance with the guidelines of the 2025 Land Use Plan. The Commission, by a vote of 7 to 0, recommended approval of I-1 zoning.

PUBLIC HEARING OPEN.

Chuck Wade, attorney for the applicant, stated the owner had entered into an agreement to sell to Terry Bell, subject to a rezoning, so he could use it for a parking and storage facility for his moving and storage business. He stated I-1 required an enclosed building to store the equipment which was not feasible economically. He stated I-3 required hard surfacing and curbing which Mr. Bell was not interested in making that investment. He requested

that the CPC amend the request to I-1 zoning so it would be consistent with the other zoning in the area. At some point that area will move to industrial type use.

Warren questioned what does staff deem to be a completed application form? He stated the application form does not even specify the proposed use.

Debra Jones, Senior Planner, stated that often when dealing with attorneys they receive supplemental letters attached so many times the form does not appear to be filled out, even though they do have that information. They have to know the current zoning and activity so they can determine if the applicant is applying for the appropriate zone.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Drewry, to adopt **Ordinance No. 05-96** changing the zoning to I-1, waive the reading of the ordinance, read the title only. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Drewry. NAY: None. ABSENT: Givens. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-96

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to I-1 (Restricted Manufacturing and Warehouse District) zoning classification on the tract of land located at 2025 SW Jefferson Avenue which is more particularly described in Section One (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

26. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Professional Office to Commercial and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) and C-1 (Local Commercial District) to C-5 (General Commercial District) zoning classification located at 1414-1420 NW Sheridan Road. Exhibits: Resolution No. 05-___, Ordinance No. 05-___, Location Map, Site Plan, Applications, Draft CPC Minutes and Petition.

Rogalski stated this request includes Lots 4, 5, 6, and 7, Block 1, Stephens Addition. Lot 7 (1420 NW Sheridan Road) is currently zoned R-1 and is designated as Professional Office in the 2025 Land Use Plan. Lots 4, 5, and 6 are zoned C-1 and designated as Commercial in the 2025 Land Use Plan. The applicant is Rod Baker, Baker First Commercial Real Estate, and the property owners are Howard and Sharon Smith and Mary Butler.

At the CPC meeting on November 10, 2005 several residents appeared to speak against the C-5 zoning. It was agreed that the request be changed to rezone only Lot 7 to C-1 zoning.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shoemate, SECOND by Shanklin, to adopt **Resolution No. 05-207** and **Ordinance No. 05-97**, waive the reading of the ordinance, read the title only. AYE: Shanklin, Patton, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. ABSENT: Haywood. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-97

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification on the tract of land located at 1420 NW Sheridan Road which is more particularly described in Section One (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

27. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Professional Office to Commercial and an ordinance changing the zoning from P-O (Professional Office District) to C-1 (Local Commercial District) zoning classification located at 2302 NW 20th Street. Exhibits: Resolution No. 05-___, Ordinance No. 05-___, Location Map, Site Plan, Applications and Draft CPC Minutes.

Rogalski stated this request, submitted by Silvestre Houghton, is for Lot 17, Block 35, Replat of the East Half of Block 35, Military Addition and measures 70' x 129'. This lot was rezoned to P-O on February 27, 2001 for a real estate office. The current use of the requested area is a vacant single-family structure. The proposed use is a beauty supply store.

The zoning of the surrounding area is R-4 (High Density Apartment District) to the north, C-5 (General Commercial District) and R-4 to the south, R-1 (Single-Family Dwelling District) to the east, and C-5 to the west. The land use of the surrounding area is single-family residential to the north and east, Industrial Electric to the south, and retail to the west.

On November 10, 2005 the City Planning Commission held a public hearing on this request. During the public hearing one person spoke against the request. In 2001 this lot was rezoned to P-O at the request of Mr. Haughton to convert the single-family residential structure to a real estate office. Mr. Haughton was advised at that time that all City Code requirements including the installation of off-street parking would have to be met. An inspection of the property revealed that the conversion and the installation of parking had not occurred. The P-O district is more compatible with the residential areas. The CPC, by a vote of 7 - 0, recommended denial of the request.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens, SECOND by Jackson, to deny the request to amend the 2025 Land Use Plan to Commercial and rezoning to C-1 at 2302 NW 20th Street. AYE: Patton, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. ABSENT: Haywood. MOTION CARRIED.

28. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Industrial to Residential/Low Density and an ordinance changing the zoning from Temporary A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification located on the west side of SW 82nd Street, south of Gore Boulevard. Exhibits: Resolution No. 05-___, Ordinance No. 05-___, Location Map, Applications and Draft CPC Minutes.

Rogalski stated this request is for a 93.34 acre tract to be developed as Wyatt Village. The applicants are Michael and Mitchell Wyatt.

The zoning of the surrounding area is Temporary A-1 to the north and west, Temporary A-1 and I-4 (Heavy Industrial District) to the south, and C-3 (Planned Community Shopping Center District), R-3 (Multi-Family Dwelling District) and R-1 to the east. The land use of the surrounding area is vacant to the north, south, and west and single-family residential to the east. The current use of the requested area is vacant. One of the conditions of the CPC and Council approval of the construction plat for Wyatt Village, Part 1, is for the developer to request R-1 zoning.

On November 10, 2005, the City Planning Commission held a public hearing on this request. No one appeared to speak for or against the request. The Commission, by a vote of 7- 0, recommended approval of the request.

Jackson questioned how much farther west is the city limit line.

Rogalski stated the city limit extends one mile west to 112th.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Patton, SECOND by Warren, to adopt **Resolution No. 05-208** and **Ordinance No. 05-98**, waive the reading of the ordinance, read the title only. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-98

An ordinance changing the zoning classification from the existing classification of Temporary A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification on the tract of land located on the west side of SW 82nd Street, south of Gore Boulevard which is more particularly described in Section One (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

31. Hold a public hearing and consider an ordinance amending Section 18-4-1-404.2, Chapter 18, Lawton City Code, 1995, by allowing utility connections across drainage easements. Exhibits: Ordinance No. 05-___ and Draft CPC Minutes.

Rogalski stated that during the review of the construction plat for Eastlake Addition, Part 2, it was discovered that the City Code did not allow private utility service lines to cross drainage easements to access utility mains in an abutting public utility easement. On November 10, 2005 the City Planning Commission held a public hearing on the proposed amendment and recommended approval of the ordinance.

Shanklin stated that he did not believe that we haven t had to cross a drainage ditch to get to a utility.

Vincent stated they have done this. This would allow it to take place and not interfere with the drainage structure.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Drewry, to adopt **Ordinance No. 05-99**, waive the reading of the ordinance, read the title only. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

An ordinance pertaining to planning and zoning amending Section 18-4-1-404.2, Division 1, Article 4, Chapter 18, Lawton City Code, 1995, by allowing utility connections across drainage easements and providing for severability.

33. Consider adopting an ordinance amending Section 6-1-1-108, Division 6-1-1, Article 6-1, Chapter 6, Lawton City Code, 1995, by changing the conditions under which a permit extension may be obtained, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-__.

Griffith stated that currently a property owner has thirty days in which to obtain a permit if the building has been declared dilapidated. Once the thirty days expires, if the work is not completed, the City Council may grant an extension. This is intimidating to some residents who would like to start the process. This is a request to grant the City Manager or his designee the authority to grant an additional two-30 day extensions before it has to come back to the City Council. This will give the City Manager a little more working room with the property owner to bring the property up to code.

Shanklin stated he did not see why they even had to come back under the present application. He asked the City Council to go by and look at 2104 Lake. He wants everyone to see what they took off the D&D list. It is by the far the ugliest house on the block, but yet it has gone through the D&D process. If a property is on the D&D list it must be brought to code from top to bottom.

Givens stated he is unhappy that if a property owner in Lawton lets his property get on the D&D list and he has it demolished, he gets a break on tipping fees. On the other hand, if a citizen is law abiding and his property burns down, he doesn't get any help with the demolition. He does not believe this is fair or right. There should be some incentive for people who take action and want to demolish before it even gets to the D&D process.

Vincent stated subsection G deals with emergency situations such as a tornado or fire and does not provide for any type of break on tipping fees. It does have a separate permit requirement for reconstruction versus demolition permit for reconstruction. He stated there have been residents who have had these situations happen who have come to Neighborhood Services and asked for voluntary D&D declaration so they can receive the 50% reduction in tipping fees.

Warren stated the practice has become abused to the point where businesses want to remodel and get their property put on the D&D list so they can save on tipping fees. The initial reason to do this was so that the person whose house got damaged by fire could come down and have it declared dilapidated even though it was not a total loss. He would be in favor of taking this part out and adding something that would give citizens that opportunity without extending that to everyone.

Jackson stated since they are on a beautification campaign, it would be nice to help those residents who want to clean up homes that are falling apart.

Patton stated the reduced tipping fees are an incentive for some to take action on some of these properties.

Vincent stated if a permit is pulled for purposes of cleaning a lot that has been demolished from natural causes, then staff has the authority to issue the 50% waiver certificate. He will work with Griffith to bring this back after the first of the year.

Mitchell questioned if the City Council was interested in telling someone who comes before the City Council with a D&D property that the reduced tipping fee no longer applies?

Givens stated he feels if it gets to that point, they shouldn't get rewarded.

Vincent stated there are some houses that come before the City Council that are voluntary that have not met the natural disaster criteria that they do want destroyed. It is a lot cheaper if the property owner takes it down with the reduced tipping fees.

Warren stated they could include that in the ordinance as a voluntary item and do away with the voluntary in the dilapidated portion.

Jackson stated he feels it shouldn't have to be just a natural disaster to get the reduced tipping fee.

Mayor Purcell stated they are getting way off base. He suggested the Mr. Givens get with staff to make the changes he would like and bring it back to Council. The whole issue needs to be looked at.

Griffith stated there is an additional item that was not included in the agenda item commentary. Staff has

recommended the removal of the word exterior from the middle of Paragraph H when talking about compliance with all structural code provisions for commercial property.

Mayor Purcell stated this will take care of Mr. Shanklin's concerns.

MOVED by Givens, SECOND by Patton, to adopt **Ordinance No. 05-100** to include the correction of taking out the word exterior from Paragraph H, waive the reading of the ordinance, read the title only, and declaring an emergency. AYE: Shanklin, Patton, Haywood, Shoemate, Givens, Drewry, Jackson. NAY: Warren. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-100

An ordinance pertaining to buildings, construction and housing amending Section 6-1-1-108, Division 6-1-1, Article 6-1, Chapter 6, Lawton City Code, 1995, by changing the conditions under which a permit extension may be obtained, providing for severability and declaring an emergency.

Mayor Purcell announced that the vote on the hotel/motel tax passed with a vote of 83% and the cell phone tax passed with a vote of 72%.

34. Consider approving an ordinance adopting the Lawton City Code, 2005, and declaring an emergency. Exhibits: Ordinance No. 05-__.

This item was stricken.

35. Consider directing staff to prepare a revision of Section 6-1-5-185 of Lawton City Code, requiring the construction of sidewalks along roadways fronted by commercial development projects. Exhibits: None.

Givens stated this requirement is in place for residential areas and it is appropriate to have sidewalks for commercial areas. Both the cities of Edmond and Norman have these provisions for both residential and commercial. He is asking that staff bring something back to City Council.

MOVED by Shanklin, SECOND by Drewry, to direct staff to prepare a revision of Section 6-1-5-185 of Lawton City Code, requiring the construction of sidewalks along roadways fronted by commercial development projects. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: Shanklin. MOTION CARRIED.

36. Request City Council permission for the Lawton Enhancement Trust Authority to paint a professional landscape sign/scene on the overpass at 52nd Street and Old Cache Road. Exhibits: None.

Givens stated this is a request from the Lawton Enhancement Trust Authority and will provide some publicity that will let the public know they are in existence. They had an idea to do something on one of the overpasses. The only overpass that the city has any control over is the one over Old Cache Road by Milo Gordon. The project could be professionally done or may be a project for the art department at Cameron.

Shanklin questioned how the project will be funded.

Givens stated donations.

MOVED by Givens, SECOND by Shanklin, to grant permission for the Lawton Enhancement Trust Authority to paint a professional landscape sign/scene on the overpass at 52nd Street and Old Cache Road. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood stated they had a wonderful time at the National League of Cities conference. He attended a workshop on downtown revitalization and was told that if there was not a first class downtown, you could not have a first class city.

Patton thanked the voters of Lawton and Comanche County for supporting the two measures. He stated he is also proud of the Woodland Hills midget football team who made it to the city finals.

Shanklin questioned if the lobbyist has ever made a report.

Mayor Purcell stated reports are sent by email every couple of weeks. He stated staff can print it out for Mr. Shanklin.

Shanklin stated they need to think about the American Water Works Association conducting a test on the water

meters to see if we are in the percentile that a \$6 million computer project would pay off. If they are really serious they need to be doubly sure that it is warranted.

Jackson stated he also enjoyed the trip to the NLC Conference in Charlotte. The workshops were very informative.

Drewry stated she appreciated the opportunity to go the NLC. She reminded everyone that the Salvation Army will be handing out toys and food on Tuesday, December 20th from 9 am to 4 pm.

Shoemate stated he is starting his 53rd year of coaching his girls 5th & 6th grade basketball team.

Vincent stated he will be on vacation the following week.

Mitchell stated the ice rink has become very successful. There have been over 1,600 skaters and the city's share of the revenue has been \$2,100.

Mayor Purcell stated he attended several workshops at the NLC Conference which dealt with emergency operations and he spoke with Mayor's who were involved in the hurricane disasters. He stated they have got to make sure our emergency operations are first rate. He will come back with the City Council with recommendations. The citizens of Comanche County deserve good E-911 service. He stated he drove down Ferris from Sheridan to Ft. Sill Boulevard and both sides are a disaster. They need to get staff out there to enforce the cars that are parked everywhere.

Givens stated they need to stop giving warnings and start giving out citations.

The Mayor and Council convened in executive session at 9:18 p.m. and reconvened in regular, open session at 9:30 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

37. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending tort claim by Jack L. Greer and take action in open session as necessary. Exhibits: None.

Vincent read the title of item 37 shown above. He said the Council did receive a briefing on the claim.

MOVED by Jackson, SECOND by Haywood, to approve **Resolution No. 05-209** authorizing the settlement of the tort claim of Jack L. Greer in the amount of \$12,500. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

38. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation claim of Bobby Benoit, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 38 shown above. He said the Council did receive a briefing on the claim.

MOVED by Patton, SECOND by Warren, to approve settlement by joint petition of the Workers Compensation claim of Bobby Benoit WCC 2004-1511-X in the amount of \$30,000. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

39. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation claim of Roger Parks, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 39 shown above. He said the Council did receive a briefing on the claim. No action is required.

40. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation claim of Gary Bishop, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 40 shown above. He said the Council did receive a briefing on the claim. No action is required.

ADJOURNMENT

There being no further business to consider, the meeting adjourned at 9:32 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

ADJOURNMENT